

June 2, 1997

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
700 Central Building 810 Third Avenue
Seattle, Washington 98104
Phone (206) 296-4660 Fax (206) 296-1654

REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL

SUBJECT: King County Department of Transportation File No. **V-2297**
Proposed Ordinance No. **97-267**

PAUL and VICKY TREDWAY
Petition for Road Vacation

Road: A portion of Lake Dorothy Highway right-of-way located
in the North Bend area

Petitioners: Paul and Vicky Tredway
47128 Southeast Middle Fork Road
North Bend, WA 98045

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve road vacation
Department's Final:	Approve road vacation
Examiner:	Approve road vacation

DEPARTMENT'S REPORT:

The Department of Transportation's written report to the King County Hearing Examiner for Item No. V-2297 was received by the Examiner on May 13, 1997.

PUBLIC HEARING:

After reviewing the Department of Transportation's Report and examining available information on file with the petition, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. V-2297 was opened by the Examiner at 10:02 a.m., Thursday, May 29, 1997, in Room No. 230, Central Building, 810 Third Avenue, Seattle, Washington, and adjourned at 10:16 a.m.; the hearing record closed June 2, 1997, following receipt of Exhibit no. 17. Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

ISSUES SUMMARY:

- No significant issues.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Road name and location: A portion of Lake Dorothy Highway right-of-way located in the North Bend vicinity.
Right-of-way classification: "C" class
Area: 163,777 square feet
Compensation: \$245.67

2. Except as provided below, the Examiner adopts and incorporates herein by this reference the facts set forth in the Department of Transportation's report to the King County Hearing Examiner for the May 29, 1997, public hearing and the statement of facts contained in Proposed Ordinance No. 97-267, March 3, 1997 draft. The said reports will be attached to the copies of this report and recommendation submitted to the King County Council.
3. Maps showing the vicinity of the proposed vacation and the specific area to be vacated are Attachments 1 and 2 to this Report and Recommendation.
4. Vacation of the subject right-of-way would have no adverse effect on the provision of fire and emergency services to the subject property or surrounding area.
5. The Notice of Hearing on the report of the Department of Transportation was given as required by law, and a hearing on the report was conducted by the King County Hearing Examiner on behalf of the Metropolitan King County Council.
6. The compensation required by law to be paid as a condition precedent to the vacation of this road has been deposited with King County, and the easements, if any, necessary for the construction, repair and maintenance of public utilities and services have been provided in form satisfactory to the affected public utilities.

CONCLUSION:

The road subject to this petition is useless as part of the King County road system, and the public will be benefited by its vacation.

RECOMMENDATION:

APPROVE proposed Ordinance No. 97-267 to vacate the subject road.

RECOMMENDED this 2nd day of June, 1997.

R. S. Titus, Deputy
King County Hearing Examiner

TRANSMITTED this 2nd day of June, 1997, to the following parties and interested persons:

Paul/Vicky Tredway
Puget Sound Energy, Real Estate Department
TCI Cablevision of WA, North Bend Office
Steve Densley, Pacific Telecommunications

Joe Jainga, WA Natural Gas
METRO Transit Right-of-Way
Laurence Stockton, City of N. Bend

Tommy Burdette, KCDOT/Road Services Division
Sharon Claussen, KC Parks & Cultural Resources
Tom Eksten, KC DNR/Open Space Section
Dennis Gorley, KCDOT/Road Services Division
Bill Hoffman, KCDOT/Transportation Planning
Rod Matsuno, KCDOT/Road Services Division
Dave Preugschat, KC Property Services Division

Lisa Pringle, DDES/Land Use Services Division
Gary Samek, KCDOT/Road Services Division
Charlie Sundberg, KC Historical Preservation
Harold Taniguchi, KCDOT/Road Services Division
Arthur Thornbury, Metropolitan King Co. Council
Paul Toliver, Director, KCDOT

NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the Metropolitan King County Council with a fee of \$125.00 (check payable to King County Office of Finance) on or before **June 16, 1997**. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the Metropolitan King County Council on or before **June 23, 1997**. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within fourteen (14) calendar days of the date of this report, or if a written appeal statement and argument are not filed within twenty-one (21) calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the

matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council approving or adopting a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

MINUTES OF THE MAY 29, 1997 PUBLIC HEARING ON KING COUNTY DEPARTMENT OF TRANSPORTATION FILE NO. V-2297, TREDWAY, PETITION FOR ROAD VACATION.

R. S. Titus was the Hearing Examiner in this matter. Participating in the hearing were Paul Tredway, and Dennis Gorley/KCDOT/Road Services Division.

On May 29, 1997, the following exhibits were offered and entered into the hearing record:

- Exhibit No. 1 KCDOT report to the Hearing Examiner, dated May 5, 1997, prepared for the May 29, 1997 public hearing of V-2297, with 18 attachments.
- Exhibit No. 2 Petition transmittal letter, dated May 30, 1996, to the King County Department of Transportation/Road Services Division, from Clerk of the King County Council.
- Exhibit No. 3 Letter, received May 30, 1996, from Paul J. Tredway (petitioner), to the King County Council.
- Exhibit No. 4 Petition for vacation, filed by Paul J. and Vicky B. Tredway, dated received May 30, 1996.
- Exhibit No. 5 Vicinity map depicting vacation area.
- Exhibit No. 6 Copy of QuitClaim Deed recorded in Volume 4262, Page 254, records of King County, Washington.
- Exhibit No. 7 Copy of non-refundable deposit check (#8913), to King County Treasury, from Paul J. Tredway, dated May 20, 1996, in the amount of \$100.
- Exhibit No. 8 Letter dated February 13, 1997 from the Department of Transportation, Road Services Division to the Clerk of the King County Council.
- Exhibit No. 9 Road Vacation Worksheet, V-2297.XLS revised, dated January 23, 1997.
- Exhibit No. 10 King County Cash Transmittal & Receipt, in the amount of \$245.67.
- Exhibit No. 11 Letter, dated April 21, 1997, from King County Executive, to Councilmember Jane Hague.
- Exhibit No. 12 Copy of Proposed Ordinance 97-267.
- Exhibit No. 13 Notice of hearing, dated May 5, 1997, for V-2297.
- Exhibit No. 14 Affidavit of posting, dated May 5, 1997.
- Exhibit No. 15 Letter dated May 19, 1997 from KCDOT to petitioners identifying compensation.
- Exhibit No. 16 Affidavit of publication, showing publication dates of May 14, 1997 and May 21, 1997

On June 2, 1997, the following exhibit was offered and entered into the hearing record:

- Exhibit No. 17 Site map depicting vacation area.

RST:var

Attachments

G:\working\vacations\V-2297 report